

EXHIBIT 11

Simmons, Justin

From: Simmons, Justin <jsimmons@woodsrogers.com>
Sent: Thursday, July 21, 2022 5:51 PM
To: Kathy Barnes
Cc: Scott Fitzsimmons; Sarah Bloom; Brandon Regan; Edward Parrott; Henry O. Taylor; Conley, Todd; Golimowski, Jeff; Treece, Joshua; Stemland, Karen; Hollis, Jon
Subject: BAE v. Fluor - 20-cv-587 - Proposed Deposition Schedule

Good evening, Ms. Barnes,

I write in follow up to my letter of May 25 and our meet-and-confer call on June 21 about (among other things) establishing a deposition schedule for this case. To meet the deadlines of the Amended Scheduling Order, BAE believes it necessary for the parties to begin taking depositions of fact witnesses no later than the week of September 19. BAE recognizes that the close of fact discovery is not until November 16, but there are other deadlines that come well before then, including the deadline for the parties' initial expert disclosures (October 7), and dozens of depositions will need to be taken. To meet the current deadlines, then, the parties can't wait until late October or November to start taking depositions of fact witnesses. BAE thus proposes that the parties block off dates now between September 19 and October 7 for those depositions. Please let us know if Fluor is willing to do so and, if not, why.

While this list may change, BAE is looking at deposing the following individuals:

- Michael Connors
- Bryan Metoyer
- Kent Smith
- Robert Griffith
- Nazim Ahmed
- Brian Hensel
- Andrea Sickler
- Matt Sofley
- Lura Lewis
- William Huber
- Kassandra Combs
- Mike Sipple
- Adam Smith
- Greg Hagerman
- Tim Bullard
- Bill Hovis
- Crystal Krueger
- Gabriel Nah
- Thomas D'Agostino
- Robert Legler

Please let us know the availability of these individuals between September 19 and October 7 and whether Fluor will be able to produce them.

In their Joint Rule 26(f) Report and Discovery Plan, the parties agreed to expand the number of depositions each party may take under Rule 30(a) from 10 to 20. BAE reads this limitation as applying only to party deponents (current and former employees) and not non-party deponents or experts. In other

words, each side may take only 20 party depositions, but there is no such limit on non-party or expert depositions. Please let us know if Fluor agrees with this reading and, if not, why.

Kindest regards,

Justin